

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

|                               |   |           |
|-------------------------------|---|-----------|
| CORY ANTOINE MAHATHA,         | ) |           |
|                               | ) |           |
| Plaintiff,                    | ) |           |
|                               | ) |           |
| v.                            | ) | 1:18CV698 |
|                               | ) |           |
| TIMOTHY GEORGE GOULD, et al., | ) |           |
|                               | ) |           |
| Defendant(s).                 | ) |           |

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on August 16, 2018, was served on the parties in this action. (ECF Nos. 3, 4.) No objections were filed within the time prescribed by §636.

The Court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is filed and DISMISSED *sua sponte* without prejudice to Plaintiff filing a new complaint on the proper § 1983 forms, which corrects the defects cited in the original complaint. A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 12<sup>th</sup> day of September, 2018.

/s/ Loretta C. Biggs  
United States District Judge